

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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NICK WILLIAM SCHALLER,

Plaintiff,

ORDER

v.

08-cv-403-bbc

DR. HEINZL,

Defendant.

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On September 5, 2008, Judge Barbara Crabb granted plaintiff Nick William Schaller leave to proceed *in forma pauperis* on his claim that defendant Heinzl was deliberately indifferent to his serious medical need when he delayed treatment to plaintiff's leg and ankle. Now plaintiff has filed a motion asking the court to enter judgment in his favor. This request will be denied.

A pretrial conference was held in his case on November 6, 2008. At that time I explained to plaintiff how this case would proceed and advised him that motions for summary judgment were to be filed not later than April 10, 2009. Plaintiff's request for judgment in his favor does not comply with Fed. R. Civ. P. Rule 56 governing summary judgment or this court's procedures for filing motions for summary judgment. Furthermore, he has presented no evidence in support of his request for judgment in his favor.

In his motion, plaintiff expresses disappointment over the failure of defense counsel to seriously discuss settlement options with him. As I explained to plaintiff in my October 7, 2008

order, a party's lack of success at negotiating settlement is not a matter that should be brought to the court's attention. It is a private matter between the parties only.

ORDER

IT IS ORDERED that plaintiff's motion for judgment, #23, is DENIED.

Entered this 11<sup>th</sup> day of December, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge